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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,284	12/27/2004	Uwe Bottcher	821-64	8916
<div><div>7590 Dilworth & Barrese Suite 702 333 Earle Ovington Boulevard Uniondale, NY 11553</div><div>05/23/2007</div></div>				
			EXAMINER	
			HAMILTON, ISAAC N	
			ART UNIT	PAPER NUMBER
			3724	
			MAIL DATE	DELIVERY MODE
			05/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,284

Applicant(s)

BOTTCHEER, UWE

Examiner

Isaac N. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-30 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-5, drawn to the special technical feature of an apparatus with a driving means and a body that has piezo-electric properties.

Group II, claim(s) 1-4 and 6, drawn to the special technical feature of an apparatus with a driving means and a body that has magneto-strictive properties.

Group III, claim(s) 1-4 and 7, drawn to the special technical feature of an apparatus with a driving means and a blade that moves along an arc-like path.

Group IV, claim(s) 1-4 and 8, drawn to the special technical feature of an apparatus with a driving means and a blade that is arranged on a free end of the body in a strip-like stave being fixed at the other end.

Group V, claim(s) 1-4, 9 and 10, drawn to the special technical feature of an apparatus with a driving means and a clamp face of substantially V-groove type.

Group VI, claim(s) 1-4 and 11-14, drawn to the special technical feature of an apparatus with a driving means and means for moving the second clamping means in the longitudinal direction for extending a rod clamped by the arrangement for applying a longitudinal tension load to the rod.

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Group VII, claim(s) 1-4 and 15, drawn to the special technical feature of an apparatus with a driving means and means adapted to measure the position of the second clamping means in the longitudinal direction and communicate with a computer.

Group VIII, claim(s) 1-4 and 16-18, drawn to the special technical feature of an apparatus with a driving means and at least one inclined surface.

Group IX, claim(s) 1-4 and 19, drawn to the special technical feature of an apparatus with a driving means and means adapted to enable adjustment of the blade for controlling the position along the blade of the blade portion used for cleaving the rod.

Group X, claim(s) 1-4 and 20, drawn to the special technical feature of an apparatus with a driving means and means for drawing a waist rod portion away after the cleaving operation.

Group XI, claim(s) 21-24, drawn to the special technical feature of a method of cleaving a thin rod of glass or quartz having a diameter below 1 mm and a second clamping member having a flat opposing clamp face for retaining the rod in the groove for clamping the rod.

Group XII, claim(s) 21 and 25, drawn to the special technical feature of a method of cleaving a thin rod of glass or quartz having a diameter below 1 mm and measuring the tension load.

Group XIII, claim(s) 21, 26 and 27, drawn to the special technical feature of a method of cleaving a thin rod of glass or quartz having a diameter below 1 mm and a releasing of the clamping action in the clamping point of the waist rod portion coordinated with a suction away of that portion promoted by the force applied through the blade on the end of the waist rod portion.

Group XIV, claim(s) 28-30, drawn to the special technical feature of a computer program.

It is deemed that claims 1 and 21 have no special technical feature and thus do not bind claims dependent therefrom. See MPEP Appendix AI Annex B(c). The inventions listed as Groups I-XIV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features as shown above.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IA

IH

May 21, 2007



KENNETH E. PETERSON
PRIMARY EXAMINER